

Work Done Without Required Permits

Work that was done without obtaining required permits is in violation of the State Building Code and is considered illegally constructed work.

- San Jose has required Building Permits since at least 1928 [1927 UBC, Eff: 10/11/1928]
- [Work Exempt from Permits](#) [per the nation-wide Code] - generally, *all else* requires Permits.
- There are no statutes of limitation on illegal construction.
- If any work was done illegally in the past, the passage of time or change in ownership does not make the non-permitted work legal.
- Unpermitted work is often not covered by the building's insurance, which may make the current owner personally liable for any damage repairs to or caused by the unpermitted work.
- There are little or no additional penalties for *voluntary* compliance; Our main concern is safety.
- To legalize work that was built without a Permit, work must comply with [current Codes](#), including the [Building](#), [Zoning](#), and [Energy](#) Codes.
- Planning must also 'grandfather' in any [Legal Non-Conforming](#) [LNC] uses, such as a 'C' Commercial Business in an 'R-1' Residential zoning district, or visa-versa.
- [County of Santa Clara Building Department](#) may have some permit records for annexed properties, especially for permits obtained prior to 1946. Phone: (408) 299-5700

To legalize work that was built without permits the owner must comply with *one* of the following procedures:

1. Covered-up: For information regarding legalizing work when the work to be inspected is not visible due to being covered by finishes (such as a sheetrocked addition), the owner must contact the [Code Enforcement Division](#) for procedures on how to schedule an on-site inspection and receive information on what steps are needed to legalize it, or if it is even possible. It may then be decided by the owner that it is easier and more cost-effective to just abate (remove) the unpermitted work.

2. Easily Visible: Where the work to be inspected is still open and readily visible, such as re-roofs, [gazebo's](#), [decks](#), water heater replacements & furnace replacements, a permit may be obtained from the **Building Division** to legalize said work, just as if it was new.

Many [Simple Permits](#) can be obtained online at www.sjpermits.org, and then an Inspection can be scheduled [Online](#) or by calling **(408) 535-3555** 8-5, M-F

Links:

- Code Enforcement: <http://www.sanjoseca.gov/codeEnforcement/>
- Code Case Search: <http://cescasesearch.sanjoseca.gov/cets/>
- Building Department: <http://www.sanjoseca.gov/building/>
- Permit Searches: <https://www.sjpermits.org/permits/permits/>
- Inspection Checklists: <http://www.sanjoseca.gov/building/Inspection.asp>

Questions:

- Codes & Permits: [Building Inspector](#) (408) 535-7601 (vm) - leave a detailed message
- Preliminary Inspections: Code Enforcement (408) **277-4528** Hours: 9-12 & 1-4 M-F
- Visit the Permit Center: City Hall, Tower-1st Floor, 9-4 M-F (Validated parking is just below, off 6th St).